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EXAMINER

GHEBRETIINSAE, T

ART UNIT

PAPER NUMBER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 18

Application Number: 09/002,648

Filing Date: 01/05/1998

Appellant(s): David Horne

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Technology Center 2000

Kenneth M. Seddon
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 2/27/2001.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

Art Unit: 2631

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-10;11-20 and 21-24 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

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4,972,480

Rosen

11-1990

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-2,8,11-15,21-22 are rejected under 35 U.S.C. 102. This rejection is set forth in prior Office action, Paper No. 11 (see below).

Claims 3,5-6,9-10,16,19-20,23-24 are rejected under 35 U.S.C. 103. This rejection is set forth in prior Office action, Paper No. 11.(see below)

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 8, 11-15,21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosen (4,972,480).

Consider claims 1-2,8,11-15, 21-22 as claimed. Rosen disclose a communication system comprising the step of creating an encoded pseudo noise signal and spreading the information signal by modulating the information signal with the encoded pseudo noise signa; transmitting the signal and demodulating the information signal with the encoded PN code. The encoded pseudo noise signal is the modified part of the pseudo noise signal and corresponds to the user.(See col.1, lines 23-43 and figs.3 and 4)

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3,5-6,9-10,16,19-20,23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen.

Rosen disclose the subject matter of the invention substantially as claimed. Rosen differs from the claimed invention in that he is silent in terms of the encoded pseudo noise code being same as the pseudo noise code with one bit inverted. However, it would have been obvious to one of ordinary skill in the art to design the encoded pseudo noise code of Rosen to be **a pseudo noise code with one bit inverted** since there is no new or unexpected result. Rosen also teaches demodulating the information signal with the encoded PN code and the pseudo noise signal corresponds to the user.

(II) Response to Argument

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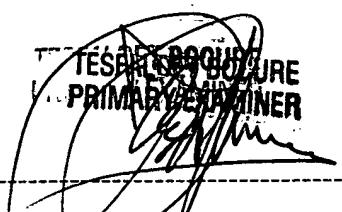
Art Unit: 2631

Respectfully submitted,

T.Ghebretinsae

May 31, 2001

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